

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Ashley K. Sexton
Serial No.: 09/966,807
Filed: August 10, 2006
For: Real Estate Information System
Group Art Unit: 3629
Examiner: Naresh Vig
Attorney's Docket No.: N2235
Customer No.: 23456

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RENEWED PETITION TO WITHDRAW HOLDING OF ABANDONMENT
UNDER 37 C.F.R. § 1.181

Via Facsimile No. 571.273.8300
Attn: Office of Petitions

Dear Sir:

Applicant hereby respectfully requests that the Notice of Abandonment mailed March 31, 2006, in the above-captioned application be withdrawn because the Response and Amendment mailed May 16, 2005 was a compliant response to the Office Action mailed December 14, 2004.

The Response and Amendment was Compliant

According to the Examiner, Applicant's Response and Amendment mailed May 16, 2005 was non-compliant with 37 C.F.R. § 1.121(c) "because claims must have status identifiers, the text of withdrawn claims must be presented." Applicant submits that no claims were withdrawn from the application. Instead, claims 33 and 34 were canceled. According to 37 C.F.R. § 1.121(c), canceled claims must be presented 1) with the status identifier "canceled", and 2) without the canceled claim text. Consequently, applicant did not comply with 37 C.F.R. § 1.121(c) because because the applicant presented the claim text of the canceled claims. While

applicant agrees that the amendment did not strictly comply with 37 C.F.R. § 1.121(c), the U.S. Patent and Trademark Office has waived the requirement.

According to the *Acceptance of Certain Non-Compliant Amendments Under 37 C.F.R. § 1.121(c)*, Official Gazette Notices (July 5, 2005), the USPTO waived the 37 C.F.R. § 1.121(c)(4)(i) requirement that no claim text shall be presented with canceled claims. Furthermore, the table of acceptable status identifiers lists "cancelled" as an acceptable alternative for "canceled". As a result, the Response and Amendment was acceptable as of August 11, 2005, the date of the Notice of Non-compliant Amendment. Applicant therefore requests that the Notice of Abandonment be withdrawn.

Timeliness of Response

A response to the Notice of Non-Compliant Amendment was not timely filed by Applicant because the Notice was sent to the prior attorney for Applicant and not forwarded to this attorney until after the deadline for responding had passed. Although Applicant's Response and Amendment mailed May 16, 2005 included a correspondence address, to avoid this problem in the future, this paper includes a specific direction to change the correspondence address for this application.

Notice of Change of Correspondence Address

Please send all correspondence related to this application to:

Mark J. Patterson
Waddey & Patterson
1600 Division Street Suite 500
Nashville, TN 37203
(615) 242-2400

Corrected Response and Amendment

Even though Applicant submits that the technical requirement of 37 C.F.R § 1.121(c)(4)(i) has been waived by the USPTO, Applicant is concurrently filing a Corrected Response and Amendment to the Office Action dated December 14, 2004 in which the text of the canceled claims has been deleted.

Applicant does not believe that any fee is required for this Petition. However, if a fee is required, please charge any fees or credit any overpayment pursuant to this Petition to Deposit Account 23-0035.

Respectfully submitted,


Mark J. Patterson
Registration No. 30,412
WADDEY & PATTERSON
A Professional Corporation
Customer No. 23456

ATTORNEY FOR APPLICANT

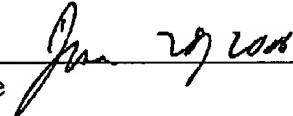
CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this RENEWED PETITION TO WITHDRAW HOLDING OF ABANDONMENT UNDER 37 C.F.R. § 1.181, for Application No. 09/966,807; having a filing date of September 28, 2001, and Corrected Response and Amendment are being sent via facsimile to:

Facsimile No. 571.273.8300
Attn: Office of Petitions



Mark J. Patterson
Registration No. 30,412



Date